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4		BETTS & RUBIN, A Professional Corporation					
5	907 Santa Fe Avenue, Suite 201 Fresno, California 93721 Telephone: (559) 438-8500 Facsimile: (559) 438-6959 James B. Betts (State Bar #110222) Joseph D. Rubin (State Bar #149920) Attorneys for Defendant CITY OF FRESNO, JERRY DYER, ANDREW HALL						
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9	UNITED STATES DISTRICT COURT						
10	EASTERN DISTRICT OF CALIFORNIA						
11	Enotent district	of Calli Old M					
12	TEMUJIN BUSTOS,	Case No. 1:20-cv-00066-DAD-BAM					
13	Plaintiff,)	ORDER REGARDING STIPULATION RE: SERVICE AND RESPONSIVE PLEADING					
14	vs.						
15	CITY OF FRESNO, a Public Entity; CHIEF OF POLICE JERRY P. DYER, individually						
16	and in his capacity as Chief of the Fresno Police Department; CHIEF OF POLICE ANDREW HALL, individually and in his						
17	capacity as Chief of the Fresno Police Department; and DOES 1 to 10, inclusive,						
18	Defendants)						
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30		Stipulation					

1	IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through			
2	their respective counsel of record, as follows:			
3	1. Defendants City of Fresno, Andrew Hall and Jerry Dyer were served on			
4	different dates. Betts & Rubin has been retained to represent all three Defendants.			
5	2. Counsel for the parties previously agreed upon a date to file a responsive pleading			
6	for all three Defendants March 16, 2020.			
7	3. Given that the Court's docke	3. Given that the Court's docket reflects different dates for responsive pleadings to		
8	be filed (Document Nos. 6-8), the parties desire to clarify the issue for the Court.			
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10	Respectfully requested,			
11	Dated: March 2, 2020	BETTS & RUBIN		
12	Dated. March 2, 2020	DEI 13 & ROBIN		
13		By /s/ Joseph D. Rubin Joseph D. Rubin		
14		Attorneys for Defendant CITY OF FRESNO		
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16	Dated: March 2, 2020	CASTILLO HARPER, APC		
17		By _ /s/ Joseph N. Bolander		
18		Joseph N. Bolander Attorneys for Plaintiff Temujin Bustos		
19		Tittorneys for Frament Formagin Basios		
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Stipulation

		ORDER

1	<u>ORDER</u>
2	Local Rule 144(a) provides that "an initial stipulation extending time for no more than
3	twenty-eight (28) days to respond to a complaint may be filed without approval of the Court
4	if the stipulation is signed on behalf of all parties who have appeared in the action and are
5	affected by the stipulation." Stipulations extending time to respond to a complaint or
6	counterclaim for more than twenty-eight (28) days must be approved by the Court. L.R. 144(a).
7	Counsel is required to seek to obtain a necessary extension from the Court as soon as the need
8	for an extension becomes apparent. <i>Id.</i> at 144(d). "Requests for Court-approved extensions
9	brought on the required filing date for the pleading or other document are looked upon with
10	disfavor." Id. Furthermore, "[s]tipulations for an order shortening time require the approval of
11	[a] Judge or Magistrate Judge before such stipulations are given effect." <i>Id.</i> at 144(e).
12	Here, according to the waiver of service and proofs of service filed by Plaintiff,
13	Defendant Jerry Dyer's response to the complaint is due April 6, 2020, Defendant Andrew Hall's
14	response to the complaint is due March 2, 2020, and Defendant City of Fresno's response to the
15	complaint was due February 12, 2020. (See Doc. Nos. 6-8.) The stipulation, which was filed
16	on February 28, 2020, represents that the parties "previously agreed" that all Defendants would
17	file a responsive pleading on or before March 16, 2020. (Doc. No. 9) Accordingly, the
18	parties' stipulation is construed as a request to shorten the deadline for Defendant Jerry Dyer's
19	response to the complaint, to extend the deadline for Defendant Andrew Hall's response to the
20	complaint for less than twenty-eight (28) days, and to extend the deadline for Defendant City of
21	Fresno's response to the complaint for thirty-three (33) days.
22	As to Defendant Andrew Hall, the parties' stipulation conforms with the requirements of
23	Local Rule 144(a) and therefore requires no court order to be effective.
24	As to Defendant Jerry Dyer, the stipulation states that the parties previously agreed to
25	shorten the deadline for a response to the complaint. Pursuant to Local Rule 144(e),
26	stipulations seeking to shorten time must be approved by the Court. Likewise, the parties seek

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1	to extend the deadline for Defendant City of Fresno's response to the complaint for more than
2	twenty-eight (28) days and therefore Court approval is required. L.R. 144(a). However, the
3	parties filed their stipulation for an extension of time sixteen days after the deadline for
4	Defendant City of Fresno's responsive pleading. (Doc. No. 9.) Nonetheless, based upon the
5	parties' consent to the amended deadlines, and in the interest of justice, the Court finds that the
6	parties' request is warranted and no prejudice will result.
7	Accordingly, IT IS HEREBY ORDERED that Defendant Jerry Dyer and Defendant City
8	of Fresno's responses to the complaint shall be filed and served on or before March 16, 2020.
9	The Court recognizes the parties' stipulation extending the deadline for Defendant Andrew Hall
10	to respond to the complaint to March 16, 2020, but no further order is required.
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12	IT IS SO ORDERED.
13	Dated: March 2, 2020 /s/ Barbara A. McAuliffe
14	UNITED STATES MAGISTRATE JUDGE
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Stipulation